



They's Docket No. 9052-167

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Roddis et al.
Serial No.: 10/606,758
Filed: June 26, 2003
For: MECHANICAL SEAL

Confirmation No.: 5536
Group Art Unit: Unknown

Date: January 22, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of June 26, 2003 rather than June 27, 2003, as the application was deposited as "Express Mail" in the U.S. Postal Service on June 26, 2003. The following is enclosed as evidence that June 26, 2003 is the correct filing date for the application, which was filed properly under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the stamped Express Mail Receipt, along with a copy of the USPS-Track & Confirm from the web page, showing "acceptance" or deposit with the USPS on June 26, 2003 at 5:28 p.m.; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicants were improperly given the filing date of June 27, 2003 instead of the Express Mail date of June 26, 2003.

This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. Accordingly, Applicants respectfully request the granting of June 26, 2003 as the filing date pursuant to 37 CFR § 1.10.

As applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505, this petition is being filed due to error on the part of the USPTO. Accordingly, Applicants believe that no fee is due; however,

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Page 2 of 2

the Commissioner is authorized to charge any deficiency or credit any overpayment to
Deposit Account No. 50-0220.

Respectfully submitted,



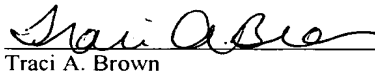
D. Scott Moore

Registration No. 42,011

Myers Bigel Sibley & Sajovec, P.A.
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Customer Number **20792**

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Office of Patent Legal Administration, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on January 22, 2004.



Traci A. Brown



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 9052-167

DATE: June 26, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

COPY

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is hereby incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier: **Alan Roddis; Christopher Newton**

Entitled: **MECHANICAL SEAL**

Correspondence Address:



20792

PATENT TRADEMARK OFFICE

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 12 pages of Specification (including 12 claims)
3. ☒ 11 sheets of Drawings (35 USC 113)
4. ☐ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)¹⁸
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
- 6.. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited
11. ☒ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of _____ Application No. _____; Filed _____

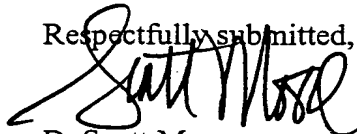
14. ☐ Sequence Listing/ Sequence Listing Diskette
 a. ☐ computer readable copy
 b. ☐ paper copy
 c. ☐ statement in support
 15. ☐ An Associate Power of Attorney
 16. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
 17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
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- ☒ A check in the amount of \$750.00 to cover the filing fee is enclosed.
☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
☐ Please charge my Deposit Account No. in the amount of \$.
☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No.:
 a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



D. Scott Moore
 Registration No. 42,011

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV353610395 US

Date of Deposit: June 26, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP PATENT APPLICATION, P.O. Box 1450 Alexandria, VA 22313-1450.



Traci A. Brown



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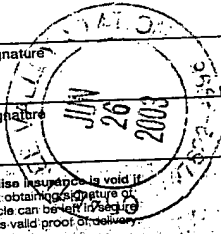
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- ENROUTE, June 26, 2003, 7:49 pm, RALEIGH, NC 27623
- ACCEPTANCE, June 26, 2003, 5:28 pm, RALEIGH, NC 27612

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M.S. Patent Application

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Sir: 07-14-03 A08:45 IN

Kindly acknowledge receipt of the accompanying items listed below
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☒ Application Transmittal and:

☒ Specification pages 12

☒ No. of Claims 12

☐ Declaration & POA

☐ Assignment and Fee

☐ Small Entity Statement

☒ Formal Drawings/ 11 sheets

☐ Associate Power of Attorney

☒ Exp. Mail

☐ 1st Class Mail

Other: _____

DSM/Hb

Date: 6/26/03

Doc. No. 9052-167

Serial No. Hb

Inventor: Roddie et al.

☒ Check \$ _____

☐ IDS & PTO-1449 & _____ refs.

☐ Amendment & Amend. Transmittal

☒ Preliminary Amendment

☐ Issue Fee

☐ Brief

☐ Appeal

☐ Submittal of Priority Doc.



Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant